

**Exhibit 1**

**IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RICHARD A. BAUMGART CHAPTER	:	
7 TRUSTEE FOR THE BANKRUPTCY	:	
ESTATE OF YAZMIN TORRES-DUQUM	:	
	:	CASE NO. 1:20-cv-00998-DAP
Plaintiff	:	
	:	JUDGE DAN AARON POLSTER
V.	:	
	:	
UNIVERSITY HOSPITALS	:	
CLEVELAND MEDICAL CENTER	:	
	:	
Defendant.	:	

**DECLARATION OF CHRISTINE MIDDLETON**

I, Christine Middleton, being duly cautioned and sworn, hereby declare as follows:

1. I am a former employee of Defendant University Hospitals Cleveland Medical Center (“UH” or “University Hospitals”). I was employed by UH as a recruiter for the pharmacy and rehabilitation departments from 2015 until April of 2022.
2. Initially, due to UH’s size, many locations, many practice areas, many available positions, and many employees, UH followed a standard posting procedure throughout my employment with UH. Open positions were first posted internally and then, after a set period of time, external applicants had the opportunity to apply for the position.
3. The posting procedure was applicable to all UH employees. The only preference provided in the posting procedure was that internal applicants had the opportunity to review and apply for positions prior to external applicants. However, internal applicants were not given preferential treatment in the ultimate hiring decision. Rather, the successful applicant for the position was determined the most qualified applicant by the Hiring Manager.

4. Finally, all applicants were selected based on their qualifications for the available position. UH did not discriminate on any basis protected by local, state and/or federal law.

5. As to disabled employees, I worked with applicants who informed me of work restrictions to locate positions that met their qualifications and work restrictions. Reasonable accommodations were reviewed as part of the disability review process. However, employees who were disabled or who had work restrictions, had to go through the same job posting procure dues as all other UH employees and applicants.

6. I am familiar with Yazmin Torres (“Torres”).

7. I was a recruiter assigned to work with Torres in 2016. I am familiar with the applications submitted by Torres during that time and the hiring process involved with those applications. A true and correct copy of the applications submitted by Torres is attached hereto as Exhibit 1.

8. Torres was treated the same as all other applicants in 2016.

9. Torres was selected for the PRN position in UH St. John Medical Center. Torres was not selected for the other positions listed on Exhibit 1 in 2016 because Torres was not the most qualified applicant for the positions. In addition, Torres’ patient background, work experience, patient desires, and interview skills impacted her viability for the positions she applied for in 2016. Finally, on at least one occasion, Torres was late for the interview, gave no advance notice of being late, and never provided the hiring manager with a reason for being late.

10. To my knowledge, hiring managers were not aware of any alleged disability, accommodation request or medical impairments relating to Torres. I did not relay any of this type of information to any of the hiring managers and none of the hiring manager.

11. The 2016 hiring decisions involving Torres were based on the qualifications of the applicants.

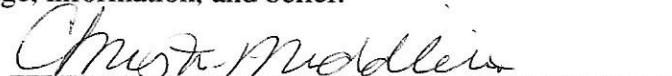
12. Torres never asked me to accommodate her by simply providing her with an available position at UH due to her alleged disability. However, UH does not provide this accommodation because such an accommodation would be very difficult to administer – UH has over thirty thousand employees and thousands of available positions. In addition, such a process would not serve UH's ultimate goal of selecting the most qualified applicant for the available positions in order to provide the best patient care.

13. I have worked in recruiting for many years at UH and I do not believe that it would be possible or optimal to simply grant employees positions of their choice due to their disability status.

14. Despite many discussions with Torres in 2016, she never informed me that she needed any work restrictions.

15. Torres was treated the same as all other applicants for all open positions, regardless of her alleged disability or accommodation request.

Pursuant to 28 U.S.C. § 1746, I have read the foregoing declaration and I affirm under the penalty of perjury under the laws of Ohio and the United States of America that the foregoing is true and accurate to the best of my knowledge, information, and belief.

  
Christine Middleton

12-15-22  
Date

Recruiter	Job Posting Number	Job Posting Name	Job Posting Status	Applicant Status	Date Created	Hiring Manager	Interviewed for the position?
Jennifer Hyslop	IRC124232	Physical Therapist	Closed	Withdrew Interest	4/15/2010		
Samantha Smith	960268	Physical Therapist - Eastern	Cancelled	Position Cancelled	2/16/2016	Amy Ondo	Yes- Recruiter Only
Shannon Wayne	989436	Clinical System Liaison	Filled	Other Candidate Selected	2/16/2016	Candace McGovern	No
Shannon Wayne	989424	Clinical System Liaison	Filled	Other Candidate Selected	2/16/2016	Candace McGovern	No
Christine Middleton	995523	Physical Therapist	Filled	T/D Interview - Viable	2/16/2016	Matthew Short	Yes - Both Recruiter & Manager
Christine Middleton	952071	Physical Therapist	Filled	Withdrew Interest	3/30/2016	Brian Adams	Yes - Manager Level
Christine Middleton	999589	Physical Therapist	Filled	Withdrew Interest	6/20/2016	Margaret Bliecky	No
Christine Middleton	1034124	Coordinator - Occupational Health Services	Cancelled	Other Candidate Selected	7/18/2016	Jennifer Dilley-Engel	No
Pam Garcia	1052032	Physical Therapist PRN - Bedford	Filled	Withdrew Interest	7/29/2016	Brian Adams	No
Shannon Wayne	1048727	Clinical System Liaison (Cleveland Medical Center)	Filled	Other Candidate Selected	8/7/2016	Jessica Murphy	No
Christine Middleton	1056983	Physical Therapist	Filled	T/D Interview - Viable	8/11/2016	Deborah Pryor	Yes - Both Recruiter & Manager
Pam Garcia	1035388	Physical Therapist - CMC Home Health/Skilled	Filled	Other Candidate Selected	10/5/2016	Mary Bain	Yes - Recruiter
Christine Middleton	840028	Physical Therapist	Filled	Not Considered Data Management	10/5/2016	Dorothae Thompson	No
Jaime Falasco	1081127	PRN Physical Therapist	Filled	Hired	10/31/2016	Pam Lanter	Yes - Both Recruiter & Manager
Samantha Smith	1079323	Physical Therapist	Filled	Withdrew Interest	11/12/2016	Amy Ondo	No
Samantha Smith	1076265	Physical Therapist	Filled	Withdrew Interest	11/29/2016	Raymond Bilecky	No
Michelle Clark	1088151	Activation & Reinforcement Representative	Filled	Other Candidate Selected	11/29/2016	Sandra Touschner	No
Christine Middleton	1091289	Inpatient Rehab Liaison	Cancelled	Position Cancelled	12/10/2016	Joseph Blasjole	Yes - Both Recruiter & Manager
Samantha Smith	1090790	Discharge Coordinator	Filled	Does Not Meet Basic Requirements	12/10/2016	Cynthia Bender	No
Emely Montanez	1088179	Physical Therapist	Cancelled	Withdrew Interest	12/24/2016	Iisa Ockalki	No
Pamela Garcia	1072980	Physical Therapist Concord and YMCA-Geauga	Filled	TD Interview - Viable	12/30/2016	Dorothae Thompson	Yes - Recruiter
Jennifer Sauvageot	1093910	Patient Concierge-Twinburg	Cancelled	Other Candidate Selected	1/30/2016	Deborah Salay	No
Pamela Garcia	1093904	Physical Therapist - Outpatient PMC	Filled	TD Interview - Viable	1/2/2017	Leneore Hof	Yes
Pamela Garcia	1100763	Physical Therapist - Elvria	Filled	Transferred to Another Position	1/30/2017	Thomas Lamotte	No
Meredith Martin	1101055	Community Liaison/Lead Athletic Trainer	Filled	Does Not Meet - Licensure	2/2/2017	Lisa Piazza	No
Kim Dyson	1098690	Development Officer, Rainbow Community Partners	Filled	Does Not Meet Basic Requirements	2/2/2017	Courtney Gonser	No
Samantha Smith	1105762	Program Coordinator	Filled	Other Candidate Selected	2/11/2017	Cynthia Bender	No
Samantha Smith	1076263	Physical Therapist	Filled	Transferred to Another Position	2/13/2017	Raymond Bilecky	No
Sarah Blystone	1097468	Patient Access Supervisor - evenings	Cancelled	Other Candidate Selected	2/13/2017	Jeaninne Libava	No
Pamela Garcia	1093357	Physical Therapy Assistant PRN - Geauga	Filled	Does Not Meet Basic Requirements	2/16/2017	Dorothae Thompson	No
Pamela Garcia	1103250	PRN Physical Therapist BMC	Cancelled	Position Cancelled	2/16/2017	Teresa Podracy	No
Pamela Garcia	1108537	Physical Therapist Inpatient - CMC	Filled	Other Candidate Selected	3/7/2017	Joshua Ohliger	No
Pamela Garcia	1105890	PRN - Physical Therapist-Ahuja	Filled	Not Considered, Data Management	3/11/2017	Teresa Podracy	No
Pamela Garcia	1111332	Physical Therapist-Bedford	Filled	Other Candidate Selected	3/11/2017	Teresa Podracy	No
Pamela Garcia	1109547	Physical Therapist - Warrensville OP and Neuro Rehab campus	Filled	Other Candidate Selected	3/24/2017	Teresa Podracy	No
Julie Gijnplaku	1115617	Member Advocate - Hudson	Cancelled	Other Candidate Selected	3/27/2017	Julie Gijnplaku	No
Samantha Smith	1107069	Physical Therapist	Cancelled	Other Candidate Selected	3/31/2017	Julie Gijnplaku	No
Pamela Garcia	1105536	Physical Therapist-Geauga YMCA	Filled	Other Candidate Selected	4/14/2017	Dorothae Thompson	No
Pamela Garcia	1115985	Physical Therapy - PRN Conneaut	Cancelled	Position Cancelled	4/19/2017	Dorothae Thompson	No
Holt, Barbara J	170000M8	FILLED Supervisor Rehab Services Ortho clinic FT	Filled	Other Candidate Selected	7/17/2017	Joseph Blasjole	No
Crone, Shea	1700020X	FILLED-Clinical Research Specialist I	Filled	Transferred to Another Position	9/25/2017	LaToya Strickland	No
Crone, Shea	170000NH	Clinical Research Data Specialist I - FILLED	Filled	Other Candidate Selected	10/3/2017	LaToya Strickland	No
Middleton, Christine	1700069S	Physical Therapist Outpatient Hudson	Open	Other Candidate Selected	10/16/2017	Deborah Pryor	No
Middleton, Christine	17000681	Physical Therapist Home Care Lake / Ashtabula / Geauga Co	Open	Does Not Meet - Homecare	10/16/2017	Amy Ondo	No
Middleton, Christine	1700067L	Physical Therapist Cleveland Medical Center	Open	Other Candidate Selected	10/23/2017	Joshua Ohliger	No
Middleton, Christine	1700079F	Physical Therapist Home Care Downtown Cleveland	Open	Does Not Meet - Homecare	10/29/2017	Amy Ondo	No
Wayne, Shannon L.	170006V8	Clinical System Liaison	Cancelled	Other Candidate Selected	11/8/2017	Jessica Murphy	No
Exi Lisa A	1700081D	Filled - Home Care Liaison Assistant	Filled	Other Candidate Selected	12/3/2017	Margaret Mazur	No
Middleton, Christine	1700087W	Physical Therapist Home Care Downtown Cleveland	Open	Does Not Meet - Homecare	12/12/2017	Amy Ondo	No
Sauvageot, Jennifer L.	1700085V	Filled-Intake/Triage Specialist-Peds Psychology	Filled	Other Candidate Selected	12/12/2017	Susan Woods	No
Middleton, Christine	17000854	Physical Therapist Part Time Richmond Medical Center	Open	Hiring Manager Review	12/21/2017	Teresa Podracy	TBD
Sauvageot, Jennifer L.	1700092U	Orthopedic Tech-OR	Open	Other Candidate Selected	12/26/2017	Daryl Canscales	No
Middleton, Christine	17000844	Physical Therapist -Home Care - West	Open	Newly evaluated	1/18/2018	Raymond Bilecky	TBD
Garcia, Pamela	180000HS	Physical Therapist Outpatient - Avon	Open	Left Message	1/24/2018	Thomas Lamotte	Trying to schedule phone interview
Middleton, Christine	1700082Z	Physical Therapist Home Care Eastern Cuyahoga county / Geauga county	Open	New - Screening	1/24/2018	Amy Ondo	TBD